

REMARKS

Claims 1-13 are pending in this application. Claim 1 and 11 have been amended and no claims have been cancelled or added. Claims 1 and 11 are the independent claims. No new matter is introduced.

Claim Rejections Under 35 U.S.C. § 102

Cooke

Claims 1, 4-6 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cooke et al. (U.S. Patent No. 4,541,979; hereinafter “Cooke”) for the reasons noted at page 2-3 of the Office Action.

Applicants respectfully submit that independent claim 1 recites introducing a compressed gas into a high pressure chamber as an annealing medium. Further, independent claim 11 recites annealing a polymeric optical element in a compressed gas.

In rejecting independent claims 1 and 11, the Examiner cites column 2, lines 42-68 of Cooke. However, Applicants can find no reference to a “compressed gas”. Rather, Cooke discloses annealing the drawn-down tube with the **hot air or hot gas** in an electrically heated oven. Applicants respectfully submit that hot air or hot gas is **not** the same as compressed gas and that would be known by one of ordinary skill in the art. However, in order to expedite prosecution, Applicants have amended independent claims 1 and 11 to define a compressed gas as **a gas in a supercritical phase or a liquid or vapor phase approaching the supercritical phase**. Hot gas, as disclosed in Cooke, is not the same as a compressed gas, wherein the compressed gas is in a supercritical phase or a liquid or vapor phase approaching the supercritical phase, as disclosed in independent claims 1 and 11.

Accordingly, Applicants respectfully submit that Cooke is deficient and independent claims 1 and 11 are allowable, for at least this reason. Applicants respectfully submit that dependent claims 4-6 and 8-10 are allowable by virtue of their dependency on allowable independent claim 1, for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Soane

Claims 1-3 and 5-12 are further rejected under 35 U.S.C. § 102(b) as being anticipated by Soane et al. (U.S. Patent No. 5,026,147; hereinafter “Soane”) for the reasons noted at pages 3-4 of the Office Action.

Applicants have amended independent claims 1 and 11 to recite “a method for treating a homogeneous polymeric optical element, wherein said homogeneous polymeric optical element is substantially free from dopant element”. In contrast, Soane et al. discloses **orienting** dopant moieties included in a polymeric matrix by using a pressurized gas as a diluent. Accordingly, Applicants respectfully submit that independent claims 1 and 11 are patentable over Soane.

Applicants respectfully submit that dependent claims 2-3, 5-10, and 12 are allowable by virtue of their dependency on allowable independent claims 1 or 11, for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Cooke

Claims 2-3, 7 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooke for the reasons noted at page 5 of the Office Action.

The Applicants incorporate the discussion provided above with respect to the teachings of Cooke and maintain that no teaching or suggestion has yet been identified regarding introducing a compressed gas as an annealing medium and annealing the polymeric optical element.

Applicants respectfully submit that dependent claims 2-3, 7 and 13 are allowable by virtue of their dependency on allowable independent claims 1 and 11, for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Soane

Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Soane also for the reasons noted at page 5 of the Office Action.

The Applicants incorporate the discussion provided above with respect to the teachings of Soane and maintain that no teaching or suggestion has yet been identified regarding introducing a compressed gas as an annealing medium and annealing the polymeric optical element.

Applicants respectfully submit that dependent claims 4 and 13 are allowable by virtue of their dependency on allowable independent claims 1 and 11, for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-13 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

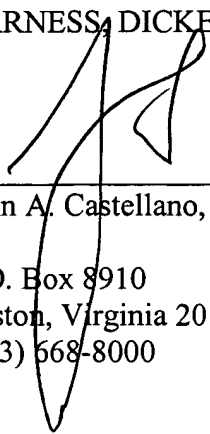
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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